

# THE MARTHA'S VINEYARD COMMISSION

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## *Martha's Vineyard Commission Minutes for the Special Meeting of December 19, 2002*

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Commission At 7:49 p.m., a quorum being present, the Special Meeting opened. Presiding was James Vercruysse, Chairman and a member at large from Aquinnah. *[Commissioners seated at the gavel were: J. Athearn; J. Best; C. Brown; M. Cini; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; J. Vercruysse; R. Wey; and R. Zeltzer.]*

### **Discussion: Whether To Proceed With The Scheduled Hearing.**

The Commission addressed the question of whether or not to proceed with the Public Hearing for the Colonial Drive Real Estate Corp. Development of Regional Impact (DRI No. 444-2). DRI Coordinator Jennifer Rand explained that if the Hearing was not closed that evening, it could not be continued to a date in January, since the quorum would be lost. Thus, the Applicant would have to return in January and begin the process from scratch.

Tisbury Selectmen's Appointee Tristan Israel remarked, "I think we ought to wait. I think that my opinion is that the scope of this is big enough to be given respect... Let's do this right, not under the gun." Responding to a question from Chairman Vercruysse, Tisbury member at large John Best explained that only seven of the Commissioners seated that evening would be serving after January 1, 2003.

Linda Sibley, a Commissioner at large from West Tisbury, pointed out that a Written Decision Vote after the first of the year would not be a problem because such a Vote required only a majority of those who had participated in the Oral Vote. She noted that, like Mr. Israel, she was uncomfortable with the idea of rushing a project through "because we had procedural problems and not because it's a slam-dunk."

Executive Director Mark London suggested that if the Commission decided not to have the Hearing, those present should have a Land Use Planning Committee (LUPC) Meeting instead. Oak Bluffs Selectmen's Appointee Alan Schweikert mentioned that he would be away off-Island and would not be attending any Full Commission Meetings in 2003 before January 12.

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Chilmark Commissioner at large Robert Zeltzer stressed that in the past the Commission had been able to finish hearing a number of DRIs in a single session. It also seemed to him, he said, that some Commissioners were simply trying "to prolong everything." County Commission representative Roger Wey suggested that the Commission take a vote on the issue.

The Chairman asked those who were against proceeding what they considered "the big stumbling blocks" to having the Hearing that evening. Tisbury member at large Marcia Mulford Cini, who was to be the Hearing Officer that evening, requested that those members who felt that they were in no position to participate in an Oral Vote after a single Hearing session be asked to raise their hands.

The Chairman asked for a showing by hand of those who did not wish to proceed that evening; four hands were raised. Then he asked for those who wanted to go ahead with the Hearing; four hands were raised. (Mr. Athearn recused himself from the Hand Vote, and two members abstained.)

There being no decisive result, the discussion continued. Mr. Israel argued that the project brought with it major traffic issues, with a one-third increase in the size of the building. "That's a major impact in the neighborhood," he emphasized, "and I think it deserves the treatment of that scope." Another issue that concerned Mr. Israel was lighting. "And I think this is difficult to do in one evening," he said.

Aquinnah Selectmen's Appointee Megan Ottens-Sargent pointed out that this was "a fairly large DRI" and was not the sort of development that the Commission usually handled in a single evening. She also stressed that this was a public process and that at the very least the Written Record should be left open "because the press does report and people do respond to that and to their own research."

"This is not the kind of Public Hearing that we typically vote on the same night," declared Ms. Sibley. "Those are usually very minor DRIs, and I think this is a major, very important project, and it's sort of unseemly to rush through something that's important just because we have a time deadline. That's very different than, you know, having a Hearing where, 'This is nothing.' I don't think this is nothing."

Ms. Ottens-Sargent suggested having an LUPC meeting first, where they could identify the issues. Chairman Vercruysse agreed with this recommendation. "Prior to the Hearing?" inquired DRI Coordinator Rand, who added, "I think my caution would be that ... I don't think that makes sense. I think to try to figure out what the issues are prior to having heard what the project is perhaps putting the cart before the horse. And I think we could guess what the

issues are, but I don't think that's a good idea, and I think you'll have spent an hour not getting anywhere." She encouraged the members either to hear it or not.

Edgartown Commissioner at large Christina Brown favored going ahead with the Hearing. Those in the audience would have a chance to participate, and it had been made clear, she said, that the Applicant would be taking his chances. "It would have the same effect as having an LUPC [meeting], but it would allow the members of the public to speak," she concluded. "Here, here," said the Chairman.

"You're going to have a double Hearing?" wondered Mr. Wey, who added, "It seems to me the thing to do is just schedule a Hearing in January, you know, with the new members, just schedule a Hearing." Ms. Brown replied that she thought that the point of taking up the project that evening was to hear what some of the issues were.

The Chairman then asked for a Vote on the question of **Whether The Hearing Officer Should Open The Hearing And Receive Testimony That Evening.** By Hand Vote, there were five Ayes, four Nays and Messrs. Best and Athearn Abstaining. The time was 8:04 p.m.

**Public Hearing: Colonial Drive Real Estate Corporation (DRI No. 444-2).**

Marcia Mulford Cini – a member at large from Tisbury, the Commission's Clerk-Treasurer and the Hearing Officer that evening – read into the record the Notice of Public Hearing for the Colonial Drive Real Estate Corporation Application. *[See the Full Commission Meeting File of December 19, 2002 (the meeting file) for a copy of the notice.]* Ms. Cini then explained the Hearing procedure.

James Athearn, a Commission member at large from Edgartown, stated that he was recusing himself from the Hearing because of a possible Conflict of Interest. He then left the meeting room for the duration of the Public Hearing.

**Applicant's Presentation.**

Applicant Steve Bernier distributed to the members copies of his document titled "Colonial Drive Real Estate Corp., d.b.a. 'Healthy Additions' – Proposed: Vitamin, Supplement, Etc. Store, December 2002." *[See the meeting file for a copy.]* He then went through the document page by page. *[Note: The building under review is alternatively referred to as the "Islander Building."]*

Mr. Bernier emphasized that Healthy Additions would be a separate business from Cronig's Market, although he did own both entities. He provided figures on the dimensions of Cronig's Market and explained how under an earlier Application (DRI No. 444) the entrance to the market had been moved in order to encourage greater use of the side parking to the west of the building.

Mr. Bernier related that bi-directional arrows, which had been required by the MVC's earlier Decision (DRI No. 444), would be painted after the parking lot had been sealed in the spring. The exit from Colonial Drive had been located as far as possible from State Road, he explained, to allow for stacking distance approaching State Road.

Healthy Additions would require no site-development plans, Mr. Bernier continued. However, he was proposing to make the following exterior changes: the installation of irrigation to support native plants and shrubs; the attachment of a shed roof across the front of the building similar to the one at Up-Island Cronig's; a new cement walkway; and the relocation of the Red Cross bins to a site unknown.

Responding to a question from Mr. Best, Mr. Bernier said that the shed roof would be 7 to 8 feet in depth but that the actual depth would be 5 to 6 feet after taking into consideration the columns supporting the shed.

Mr. Bernier then outlined the proposed changes to the interior of the building: the installation of an elevator to receive freight and send it to the second floor; the installation of a "people" elevator for handicapped access that would be able to handle freight as well; the removal of existing interior walls and their replacement by six Lally columns; two handicapped-accessible restrooms on the second floor; and the installation of wooden floors, shelving and detailing on the first and second floors.

Mr. Bernier stressed that "no regular foods" would be sold at Healthy Additions and that the Cronig's Market product selection would not change. Customers would be able to park anywhere in the Cronig's parking lot and shop where they wished, he said, and would be able to enter and exit via either Colonial Drive or State Road. It was hoped, he noted, that as customer use of Healthy Additions was established, the side parking area would be better utilized.

Next, Mr. Bernier went over the square-footage analysis for the new store. The footprint of the building was 60 feet by 42 feet, for a total of 2,520 square feet. The gross sales floor on the inside would be 2,419 square feet. If one then subtracted the space for the stairwell (90 square feet), the utility closet (64 square feet) and the elevator/storage area (375 square feet), one arrived at 1,890 square feet of usable sales floor on the first floor.

On the second floor, Mr. Bernier went on, the elements were the same, plus the two restrooms would take up 128 square feet, leaving 1,762 square feet of usable sales floor, for a total of 3,652 square feet for both floors.

Mr. Bernier explained how in comparing Healthy Additions' square footage to Cronig's, one had to consider industry standards, which indicated that second-floor sales areas generated only 50 percent of the sales generated by first-floor retail spaces. So with that in mind, the total square footage of sales floor in Healthy Additions would be 1,890 square feet (first floor), plus one-half of 1,762 square feet (second floor) or 881 square feet, for a total of 2,771 square feet or 24 percent of the sales floor space in Cronig's market, which measured 11,600 square feet. "And that's an apples-on-apples comparison," Mr. Bernier added.

Moving on to the subject of product analysis, Mr. Bernier explained that Cronig's Market would continue to carry the 2,500 natural-food products that were currently integrated with "brand" products. However, certain health-food distributors would not sell to a conventional grocery store, he related. So he was seeking to provide a venue for the sale of *those* products. "I have to be in a separate physical structure," he said.

He believed, Mr. Bernier went on, that there was a natural compatibility between the existing grocery store and the "vitamin, supplement, et cetera" store and that Healthy Additions would be used "by a high number of Cronig's shoppers."

The other category of shopper that would enter the new store, Mr. Bernier proposed, would not see Healthy Additions as a destination location, but more as an extension of other errands in progress. The reasons were: the products were not perishable or highly consumable food products; this type of customer tended to be environmentally conscious and so would combine errands for a single trip; and no reactionary or impulse-buy products would be available.

In summary, Mr. Bernier estimated that 80 percent of Healthy Additions customers would already be making a shopping trip to Cronig's Market, 10 percent would be customers on errands to other businesses, and 10 percent would be customers whose destination was Healthy Additions. So to evaluate that last 10 percent of customers, one would take 10 percent of 24 percent of Cronig's August 2002 customer count. Thus, 2.4 percent of Cronig's customer count for the first week of August 2002 would come to 57.6 "new" customers daily to Healthy Additions.

Furthermore, said Mr. Bernier, one had to factor this by 30 percent to account for the lower turnover of the projects Healthy Additions would carry as compared to those at Cronig's Market. Thirty percent of 57.6 customers amounted to 17.3 "new" customers daily that would not be pass-by customers or customers already shopping at Cronig's that day. Mr. Israel pointed out that in fact that number had to be doubled because each new customer would account for two trips, one in and one out. So there would be 34.6 additional vehicle trips (17.3 in, 17.3 out) per day, he said. Mr. Bernier agreed.

Mr. Bernier turned to the analysis done by Commission Transportation Planner David Wessling. [See the meeting file for a copy of Mr. Wessling's Staff Notes, titled "To: File, From: David Wessling; Date: December 18, 2002; Subject: Colonial Drive Real Estate Corp. (DRI #444-1).] Mr. Bernier referred to a study done by MS Transportation Systems for a gas station proposed across State Road and explained that he has used the data contained therein for State Road flow and turn rates.

Using the *Highway Capacity Manual* for 2000, Mr. Bernier continued, and factoring in the 2,771 square feet of Healthy Additions sales floor, 18 to 20 new trips would be expected during the peak hour. Using the same manual, the change in approach delays would be as follows: Cronig's entering eastbound, an increase from 35.2 seconds to 35.6 seconds; Cronig's exit eastbound, an increase from 100.2 seconds to 111.2 seconds; and Colonial Drive exit eastbound, an increase from 34.5 to 62.4 seconds.

Mr. Bernier stressed that these numbers were conservative, since the manual's standards applied to the supermarket business and not to a store with Healthy Additions' product mix. Mr. Israel wondered if the manual had numbers for a Bread and Circus kind of business. "I don't know," answered Mr. Bernier.

Moving on to the subject of mitigation, Mr. Bernier described the measures already taken: the establishment of Up-Island Cronig's; the installation of the Colonial Drive drainage system for \$50,000 to \$60,000; the fact that Cronig's employees were year-round workers with medical and dental coverage; the opening of a Web site from which customers could purchase product

without driving to the store; and the fact that Healthy Additions was the sort of business suggested as a good indicator in the McKnight survey on healthy communities.

Mr. Bernier then listed mitigation measures planned for the future: the painting of a STOP line and message on Colonial Drive; the painting of bi-directional arrows in the parking lot; the establishment of a VTA stop at Cronig's; the continued availability of that year-round employment (a piece of the affordable-housing picture, he said); an energy-consumption audit and \$20,000 worth of solar panels; eventually, a new entrance for the grocery store, with a carport drop-off area for handicapped people; and an offer to help fund a study on creating a parallel road off State Road that would connect to the Edgartown-Vineyard Haven Road.

#### **Staff Reports.**

**DRI Coordinator Jennifer Rand** referred to her Staff Notes titled "The Islander Building" and dated December 19, 2002. *[See the meeting file for a copy.]* Ms. Rand pointed to the "Summary of Correspondence" paragraph and said that in fact the letter referred to there had not been submitted for the Written Record on this particular DRI.

**Transportation Planner David Wessling** remarked on his Staff Notes (referred to earlier), and he noted that Mr. Bernier had covered the traffic issues well and accurately. He also stated that at one point the property had been evaluated by the Commission as a retail business, and he wondered if the MVC was reviewing the same thing twice. "On the merits of the change, there's very, very little change in delay time," he explained, adding that the greatest delay would be exiting eastbound from the Cronig's State Road exit.

Responding to a question from Ms. Cini, Mr. Wessling commented that he thought Mr. Bernier's proposed mitigation measures were "good." Mr. Israel asked what would happen if the Colonial Drive exit were closed. Mr. Wessling replied that he could not give a precise answer because he had no current turning movement counts for that exit. It seemed plain to him, though, that chaos would result, with the cars stacking up at the exit onto State Road from the Cronig's front parking lot. On the other hand, he noted, the Level of Service at the intersection of Colonial Drive with State Road would improve.

Mr. Israel wanted to know if closing the Colonial Drive exit would produce any benefit. Mr. Wessling emphasized that he was not talking about the flow of traffic on State Road but the queuing of cars in the parking lot. "The backup in the lot will be enormous," he declared. "It'd be gridlock on the lot. You couldn't get out."

Mr. Israel also inquired if Mr. Wessling had studied the internal flow of traffic on the property. Mr. Wessling said that he had not but that he could.

The Hearing Officer asked for testimony from Town officials and boards; there was none. Nor was any testimony in favor of the project forthcoming.

#### **Testimony from Members of the Public in Opposition to the Proposal.**

Dan Mayhew of 111 Colonial Drive remarked that he was offended by the Chairman's saying that he thought the Commission could move right through this Application. Mr. Mayhew spoke of the traffic problems at the Colonial Drive exit and "the puddle that won't go away." The last time it had snowed, he said, the plow had pushed the snow to the other side of Colonial Drive.

Mr. Mayhew continued that there already was a health food store just down State Road. In addition, he stressed, his children could not walk to school because of the parking lot, and customers often left their shopping carts on his property. Moreover, drivers unfamiliar with the area would proceed down Colonial Drive among the residences, looking for a better way to get back to State Road. He emphasized that he had no problem with Cronig's Market, that he shopped there and that the parking lot was "always spotless" and "well maintained."

Mr. Mayhew spoke of the success of Shirley's Hardware across State Road, which formerly had been downtown, and how the traffic on that stretch of State Road had increased over the years. He mentioned accidents that had occurred at the Colonial Drive exit because it lacked a STOP sign. Moreover, when a tractor trailer truck was parked in the lot, just parallel to Colonial Drive, the sightline from the exit was considerably diminished.

"Five Corners is not as bad as what Colonial Drive is in the summertime," Mr. Mayhew asserted. "It's harder to get onto State Road." He also believed, he said, that Mr. Bernier should close the Colonial Drive exit and let the cars stack up in his parking lot and not on Colonial Drive, where it affected local residents.

"So I totally oppose this until they figure out what they're going to do with the traffic," Mr. Mayhew concluded.

Tim Anthony, owner of 383 State Road as well as 89 Colonial Drive, stated that having served as a member of the Zoning Board of Appeals, he was offended by the Chairman's having arrived so late, delaying the start of the Hearing. Ms. Cini requested that Mr. Anthony not engage in personal attacks. "It's not relevant," she said.

Mr. Anthony criticized Mr. Bernier for claiming that he would do whatever it took to fix Colonial Drive, since for the past eight years that had not been the case. He then passed around a photograph of a large puddle on Colonial Drive left by a heavy rainfall. He spoke also of the accidents on Colonial Drive.

Another problem, continued Mr. Anthony, was that in July and August, when spaces were not available in the Cronig's parking lot, customers would park on his property. "They're parking up and down Colonial Drive," he said, noting that 7 feet 3 inches of the curb of Colonial Drive along 383 State Road was, in fact, his property. He spoke of the 23 houses down Colonial Drive, most of them year-round, as well as the apartment building nearby.

Mr. Anthony complained about the glaring light coming from a fixture on a 30-foot pole that he could see shining into his living room and kitchen five lots away. "Once a project is granted, who controls what happens and what doesn't happen?" he wondered. "Who enforces the Commission's rules?" "The Town," responded Ms. Cini. And if the lighting varied from what the Applicant had had approved, the Building Inspector could take action? asked Mr. Anthony. "Yes," replied Ms. Cini.

Mr. Anthony then reiterated a number of his points and stressed that his problem was not with the store but with the safety issues on what was a private way. "If you could shut down the Colonial Drive enter and exit, I'd take a hundred dollars out of the bank and help him get this project going," he declared. "That's how serious it is."

Charlie Cournoyer of 48 Colonial Drive related that he worked for MassHighway and that he had seen traffic in the area "increase something fierce" over the past 30 years. Colonial Drive, he said, was not wide enough to accommodate a tractor trailer entering the Cronig's parking lot, plus in the summer cars were often parked along the side of Colonial Drive, making it even narrower. He pointed out that there was a pitch in the grade from the market down, which caused the troublesome puddles.

Mr. Cournoyer spoke also of how drivers would skip down West Spring Street to avoid the stretch of State Road in question. "I don't have a problem with him doing what he wants to do," he stated, "but I do have a problem with all those extra cars going out off on that Colonial Drive. If he wanted to close that road off, there wouldn't be any complaints from me." Colonial Drive, he concluded, was "not designed for a business area."

Mr. Anthony, who had spoken earlier, complained that Mr. Bernier consistently stacked big vehicles like trucks along the entire side of the parking lot, just parallel to Colonial Drive, and that he had the photographs to prove it. "The cars can't see coming out," he declared, "and let me tell you, less than zero's been done about it." In addition, he said, there had been no mention about the parking lot in *back* of the building in question.

Mr. Anthony related that 10 percent of the time, trailer trucks would enter the parking lot via Colonial Drive and that 90 percent of the time, trailer trucks left the lot via Colonial Drive. "And it is scary," he said. "There's a big pine tree there. It's a major, major issue."

Constance Mesmer observed that it sounded as if drivers unfamiliar with the area were driving down Colonial Drive and getting stuck in the cul-de-sac loop. Mr. Mayhew responded that his house was at the end of the road, which he would block off, but then cars would drive right over his yard. Ms. Mesmer pointed out that it was difficult to know who those drivers were, that is, whether or not they were Cronig's customers. She recommended that a No Outlet sign be posted on Colonial Drive. "We've had Dead End signs there," said Mr. Anthony. The Hearing Officer requested that the audience members not have a discussion but direct their comments to the Commission.

Dan Mayhew, who had spoken earlier, stated, "The signs don't work, and you actually have to see what goes on before you can ..." His voice trailed off. He complained that the Postal Service had indicated that it would not deliver mail to his neighborhood because the road was all torn up and how Fred Natusch has fixed the road himself. The time was 9:04 p.m.

#### Questions and Comments from Commission Members.

Ms. Ottens-Sargent referred to the Minutes of the Public Hearing on the catalogue store in the Islander building in 1997, noting that even back then, tractor trailers using Colonial Drive had been an issue. [See DRI File No. 444.] She expressed concern that if the mail-order business



really succeeded, even more freight would have to be delivered. She also asked Mr. Bernier to describe the second parking lot, located behind the Islander building.

Regarding the freight issue, Mr. Bernier explained that the products sold in Healthy Additions would be "low turns, low queue." "You're talking about little vitamin-bottles-type stuff," he said. "The freight issue that's in addition to what's already coming onto the lot [would be] minimal because of that point." He would guess, he said, that much of that freight would be delivered via Federal Express and United Parcel Service.

Mr. Bernier also described the freight flow for 90 percent of the delivery trucks, which was to enter via the State Road entrance, go to the back of the Cronig's Market building from the west side and exit via the parking lot behind the Islander building.

Ms. Ottens-Sargent confirmed with Mr. Bernier that Federal Express and United Parcel Service would be making most of the deliveries to the new business. "It's small, cubed material," he related.

Did Mr. Bernier feel that his current and proposed mitigation measures would address the concerns voiced that evening by the abutters? asked Ms. Ottens-Sargent. Mr. Bernier pointed out that many of the issues surrounding Colonial Drive did not pertain to him or his business. "I don't know what puddle we're talking about," he said, adding that the leaves were cleared out of the catch basins twice a year. He noted that he could have an engineer check the flow of water off the west side of the Cronig's parking lot. "I would be happy to look at that the next time it rains..." he said.

Mr. Bernier added that even if there was a flow from the parking lot, there were two catch basins right there that could handle it. "I've never seen those drains full to the top," he said.

Regarding the issue of getting drivers to stop before exiting onto Colonial Drive, Mr. Bernier related that early on summer mornings he had often seen drivers cutting diagonally through the Cronig's parking lot from Colonial Drive. "I don't go yelling at the people on Colonial Drive," he said. In addition, last summer three, four or five cars belonging to students renting a house on Colonial Drive were parked in his lot overnight and until two in the afternoon.

Moreover, stated Mr. Bernier, a study of the register receipts would show that many drivers using the lot were not shopping at Cronig's but were going to Dr. Jacobs' office across the street, for instance. "Now those are all trips that are counted to me," he said, "but they have nothing to do with Cronig's Market. Statistics show that that is a common-area lot for a lot of adjacent businesses."

Mr. Bernier pointed out that the segment of Colonial Drive alongside Cronig's Market was not a Town road and that it had been put in when all there had been were commercial properties on either side. "I have rights to Colonial Drive," he declared. "That was not put in exclusively for the residential building back there... I have more frontage to that road than any of them [the residents] do."

Responding to a query from Mr. Best, Mr. Bernier said that Healthy Additions would employ three or four people. Mr. Best noted that this would constitute a net loss in the number of

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employees compared to the approved plan of 1997, which was expected to generate four to six employees (DRI No. 444).

Had the Applicant made a contribution to affordable housing stemming from the 1997 Application? Mr. Best asked Ms. Rand. The DRI Coordinator replied that the subject had been discussed and the Applicant had indicated that he made regular contributions to the Food Pantry and that he would be promoting Island-made goods with the catalogue-store business being approved at that time.

It seemed to Mr. Israel that the site plan being passed around did not show the Islander building and the circulation patterns around it. "What you have in front of you, Tristan [Israel], is the way it's going to be," responded Mr. Bernier. Mr. Israel said that he wanted to see a more detailed plan.

Mr. Israel inquired about the detailing of the shed roof and requested that the Applicant submit at least a simple drawing of what that would look like. Mr. Bernier said that it would simply be a shed roof, 8 feet in depth, going up into the vertical structure that one saw from State Road.

Did the tractor trailers deliver at any particular time? asked Mr. Israel. "They come in preferably in the morning," answered Mr. Bernier, adding, "The big trucks come in by nine o'clock." And they would be staged behind the main building? asked Mr. Israel. "At times," replied Mr. Bernier, who explained about the bale trailer parked in the back.

So if the trucks were arriving early enough, they would not have to exit via Colonial Drive? Mr. Israel wanted to know. Mr. Bernier explained that trucks delivering goods used the Cronig's Market entrance and exited via Colonial Drive. The reason for this flow pattern was related to the trucks' having to pull up to the loading dock, he said. Messrs. Israel and Bernier discussed the various possible entrance-exit scenarios.

Lastly, Mr. Israel wondered if Mr. Bernier had considered having a single curb cut on State Road wide enough for entering and exiting. Mr. Bernier responded that such a driveway would in fact have to have three pieces, with lanes provided for both Up-Island and Down-Island exiting. In addition, this would require a larger "throat area" in the parking lot, he said, and he did not see how one could squeeze such a driveway in there.

Mr. Zeltzer wanted to see the photographs that Mr. Anthony had referred to. Mr. Anthony passed them around, noting that they had been taken the Thursday before. He also pointed to the spotlight shown in one photograph that was still lit at nine in the morning.

Chairman Vercruysse told Mr. Bernier that he thought it was important that the Commission have for the record any of the changes Mr. Bernier intended to make to the Islander building. "We need something on paper with the dimensions on it," he said. "Any kind of light changes, also." "There's no lighting changes proposed," noted Mr. Bernier, who then offered to take off the shed roof if it would help the Application.

"It's important for this building to be plotted on this [site] plan," remarked Mr. Wey, who said that the plan should show sight distances, circulation patterns, parking spaces and so forth. "You have, from 1997, a plot plan with the building on it," responded Mr. Bernier, referring to

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DRI File No. 444. "Everything is exactly the way it is, that was presented to the Commission. It's on the record here." "But I haven't seen it tonight," said Mr. Wey.

When Mr. Wey pressed Mr. Bernier for further details on the proposed circulation pattern for delivery trucks, Mr. Bernier stated for the record that 90 percent of the deliveries to Healthy Additions would be via United Parcel Service or the U.S. Postal Service. "But aren't you going to have, like, canned goods over there?" inquired Mr. Wey. "Roger [Wey], *no food products*," stressed Mr. Bernier. "These are vitamins and supplements. That's all there's going to be in this building."

Mr. Bernier also made clear to Mr. Wey that not only would Healthy Additions not be a food store, but that, strictly speaking, it was not going to be a conventional health food store either. "It is just a supplement *to* that business," he said, referring to the natural foods he sold in Cronig's Market. He reiterated that basically the items would be small items delivered in small cubic packages, which he noted, made them high-theft items.

So Healthy Additions would not be competing at all with the SuperNatural Health Food Store down the street? inquired Mr. Wey. Mr. Bernier answered by relating that Up-Island Cronig's sold Biga breads, even though it was next to the Biga Bakery and Mr. Bernier owned the building housing the bakery. They both did a lunch business, he said, and yet he had just signed a 10-year lease with the Biga business.

"Ten years from now, there can be *four* natural foods stores on Martha's Vineyard, with everybody flourishing," Mr. Bernier declared, then noting that Healthy Additions would be "a different kind of business than just a regular natural food store or a supermarket."

Ms. Sibley remarked that the reason she did not think the Commission should be hearing this Application that evening was because she felt that there were some serious and difficult existing problems, including the impact on Colonial Drive and the internal circulation pattern in the parking lot. "And I believe there needs to be some real work done on this," she said. Ms. Sibley then described her own experiences on Colonial Drive and offered the opinion that it would be "appropriate" for cars to stack up in the Cronig's parking lot if the Colonial Drive exit were closed.

Responding to a question from Ms. Ottens-Sargent, the DRI Coordinator related that the referring entity had been the Building Inspector/Zoning Enforcement Officer and that the Application did not have to go before any Town boards. "It's an allowed use in B-2," said Douglas R. Hoehn, an engineer who had accompanied the Applicant.

Mr. Schweikert wondered if the Town of Tisbury had ever addressed any of the Colonial Drive issues. Mr. Israel, a Tisbury Selectmen, pointed out that Colonial Drive was not a Town road but a private way, although there were some recommendations on the table by the State Road Corridor Task Force. "This is important," remarked Mr. Schweikert, "because I'm not sure we have a lot of control over Colonial Drive..."

The Chairman asked if there was some sort of homeowners association for the Colonial Drive neighborhood. "There should be something if it's not a Town road," said Mr. Schweikert. Mr. Hoehn explained that Colonial Drive was a private road, basically in two sections, with the

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first part from State Road to just past Mr. Bernier's property. This part was created around 1964, he related, with the Cronig family receiving a right to use it.

About 10 years after that, Mr. Hoehn continued, the residential subdivision was created and was given a right of way over the other section of the road. He did not think there would be an association, he said, since the development had gone in just before the establishment of the Planning Board in the 1970s.

Responding to a question from Ms. Cini, Mr. Anthony stated that there was no homeowners association. Mr. Anthony also characterized Mr. Hoehn's history of Colonial Drive as "incorrect."

Responding to a request from Mr. Israel, Mr. Bernier stated that he would be willing to shut off altogether the light troubling Mr. Anthony. [See page 8 of these Minutes.] He explained that this was a light-sensored safety light was went on when the other parking lot lights were turned off. Mr. Bernier then offered to turn off the safety light for the month of January, then asking that the neighbors report to him whether or not this was working out.

Mr. Zeltzer objected to Mr. Bernier's negotiating with a single Commissioner over the lighting plan. He also stated that there appeared to be many open questions associated with the project, and he cautioned the Commissioners against redesigning the proposal for the Applicant.

Mr. Zeltzer also defended the Chairman against the criticism heaped on him earlier by Mr. Anthony. [Ibidem.]

A discussion ensued about what the issues were and what the next step in the process should be. Mr. Schweikert suggested that a Town official be present the next time they discussed this proposal so that some solution to the Colonial Drive problem could be arrived at. Ms. Rand said that she would call Fred LaPiana, head of the Tisbury Department of Public Works.

Ms. Ottens-Sargent requested more information on the sight distances when exiting from the parking lot onto Colonial Drive. She wanted more information as well about the loading dock area. She and Mr. Israel mentioned the possibility of creating an alternate route between State Road and the Edgartown-Vineyard Haven Road.

Mr. Best made a **Motion To Continue The Hearing**. "And that makes it go away," he said. Ms. Rand explained how the Applicant could withdraw his Application without prejudice and that she could schedule an entirely new Public Hearing for January after the Application was referred once more by the Tisbury Building and Zoning Department. Mr. Best withdrew his **Motion**, which had not been seconded in any event.

Ms. Brown wanted to know if the Commission could forego another Concurrency Vote when the Application returned. Ms. Cini suggested that they could do the Concurrency Vote and then "roll right into the Hearing" the same evening. Ms. Rand agreed with that recommendation.

Mr. Bernier then withdrew his Application. Ms. Brown made a Motion To Accept Mr. Bernier's Withdrawal Of His Application, seconded by Ms. Sibley. By Voice Vote the Motion carried unanimously. That ended the Hearing. The time was 9:56 p.m. The Chairman called for a short recess.

**Discussion/Vote: Four Douglas Sons Realty Trust Modification**  
**Written Decision (DRI No. 522M-2).**

*[Mr. Athearn returned to the meeting room. The Commissioners present who were eligible to vote on the Written Decision were: J. Athearn; J. Best; C. Brown; M. Cini; T. Israel; M. Ottens-Sargent; L. Sibley; J. Vercruysse; and R. Wey.]*

The Commissioners turned to the Written Decision for the Four Douglas Sons Realty Trust Written Decision. Ms. Sibley made a Motion To Change The Tree Species In Condition One-A To Simply *Acer Rubrem* October Glory maple, seconded by Ms. Brown. After a brief discussion, the Motion carried unanimously by Voice Vote.

Mr. Best made a Motion To Approve The Written Decision For The Four Douglas Sons Realty Trust Written Decision As Amended. Mr. Israel provided a Second. Comprehensive Planner William G. Veno conducted a Roll Call Vote on the Motion, with the results as follows:

AYES: J. Athearn; J. Best; C. Brown; M. Cini; T. Israel;  
M. Ottens-Sargent; L. Sibley; J. Vercruysse; and  
R. Wey.

NAYS: None.

ABSTAINING: None.

The time was 10:11 p.m.

**Approval of Minutes.**

*[Commissioners seated for this segment of the Meeting were: J. Athearn; J. Best; C. Brown; M. Cini; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; J. Vercruysse; R. Wey; and R. Zeltzer.]*

Mr. Athearn made a Motion To Approve Collectively The Following Sets of Meeting Minutes: October Third, Two Thousand Two; October Sixteenth Two Thousand Two; October Twenty-Fourth, Two Thousand Two; November Seventh, Two Thousand Two; And November Fourteenth, Two Thousand Two. Mr. Schweikert provided a Second.

The Motion carried unanimously, with the following Commissioners abstaining from voting on the following sets of Minutes: October 3, 2002, J. Athearn, C. Brown, M. Cini and R. Zeltzer Abstaining; October 16, 2002, none Abstaining; October 24, 2002, M. Cini Abstaining; November 7, 2002, M. Cini Abstaining; and November 14, 2002, M. Cini and A. Schweikert Abstaining.

**Ballot Vote: Election of the Slate of Officers for 2003.**

Staff Secretary Pia Webster passed out the ballots, while Mr. Schweikert reported on the last meeting of the Nominating Committee. *[See the meeting file for a copy of the ballot.]*

Ms. Rand collected the completed ballots, and as she tallied the Votes, the Staff Secretary related the names of the Selectmen's Appointees who had been designated thus far: Mr. Schweikert from Oak Bluffs; Mr. Israel from Tisbury; Jane A. Greene from Chilmark; and Paul Strauss as the County Commission representative. In addition, Ms. Webster reported, Kate Warner of West Tisbury had requested reappointment by her Selectmen.

As for Edgartown, Ms. Brown related that Michael Donaroma had requested that he not be reappointed by his Selectmen. Thus, the Town was advertising for someone to replace him, she said.

**The Annual Florence "Bunny" Brown Attendance Awards.**

Ms. Rand was still tallying the ballots, so the Commissioners moved on to the next segment of the Meeting, the Annual Florence "Bunny" Brown Attendance Awards. For the benefit of Mr. Schweikert, who was new to the Commission that year, the Staff Secretary explained who Mrs. Brown was. (She had worked at the *Vineyard Gazette* for more than 50 years and had had perfect attendance until her final illness in the mid-90s. In addition, as a school girl, she had never had a sick day.)

Ms. Webster related that when she had come to the Commission four years earlier, she had developed the awards to encourage and reward good attendance at Full Commission Meetings.

Ms. Webster then announced the awards: to Ms. Ottens-Sargent, Ms. Sibley, Chairman Vercruysse and West Tisbury member at large Andrew Woodruff for having missed only two of the 38 Meetings in 2002; to Mr. Athearn and Mr. Wey, who had missed only one Meeting; and to Ms. Brown and Mr. Best for perfect attendance. The Commissioners applauded as each award was announced.

**Results of the Slate of Officers Ballot Vote.**

Chairman Vercruysse announced the results of the Ballot Vote just taken: for Chairman, Mr. Athearn [applause]; for Vice-Chair, Ms. Sibley [applause]; and for Clerk-Treasurer, Ms. Greene [applause]. The Chairman noted that Ms. Ottens-Sargent had received two Votes for Clerk-Treasurer and that Mr. Schweikert had received one Vote for the same position.

**A Toast to Departing Commissioners.**


Toasting with non-alcoholic champagne, Chairman Vercruysse first recognized Commission Staff for their hard work. [Applause] He then offered kind words for Ms. Cini, Mr. Donaroma, Mr. Wey and Mr. Zeltzer, who would not be returning to the Commission in 2003. "Good luck to everybody," said the Chairman. "Here, here," added a number of Commissioners. [Applause]

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**Statement of Gratitude for the Chairman.**

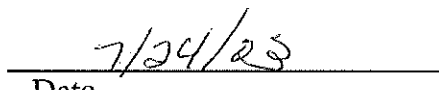
Next, Ms. Webster read from a prepared statement a farewell message to the departing Chairman, recognizing his contributions and dedication to the Commission. She also gifted him with a wooden whale sculpture.

Ms. Sibley made a **Motion To Adjourn**, duly seconded. The Regular Meeting adjourned at 10:44 p.m.

  
Chairman

  
Date

  
Clerk-Treasurer

  
Date

**PRESENT:** J. Athearn; J. Best; C. Brown; M. Cini; T. Israel; M. Ottens-Sargent;  
A. Schweikert; L. Sibley; J. Vercruysse; R. Wey; and R. Zeltzer.

**ABSENT:** A. Bilzerian; M. Donaroma; J. Greene; E.P. Horne; J.P. Kelley;  
C.M. Oglesby; R. Taylor; R. Toole; K. Warner; and A. Woodruff.

*[These Minutes were prepared by Staff Secretary Pia Webster using her shorthand notes as well as a tape recording of the Regular Meeting.]*